

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7860

BILL NUMBER: HB 1893

DATE PREPARED: Jan 25, 2001

BILL AMENDED:

SUBJECT: Guardianship Proceedings in Juvenile Court.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

FUNDS AFFECTED:

**GENERAL
DEDICATED
FEDERAL**

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

(A) It gives juvenile courts exclusive original jurisdiction over guardianships for certain children who have been found by a juvenile court to be children in need of services (CHINS).

(B) It allows a court to issue an order to detain a child who has been taken into custody for a delinquent act if the court finds probable cause to believe that it is not in the best interests and welfare of the child to be returned to the child's home.

Effective Date: July 1, 2001.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Provision A:* Under current law, juveniles who have been determined to be children in need of services (CHINS) who have a permanency plan that provides for the appointment of guardians have their guardianship cases assigned to courts with probate jurisdiction. Under this bill, the cases of these juveniles would be transferred to the courts with juvenile jurisdiction.

The Family and Social Services Agency reports that almost 50 of the cases involving these types of matters are either currently before the courts or have been recently approved in court decisions. Most of these children are adolescents who are living with relatives.

Any effects from this bill would be on a county by county basis. Some courts having jurisdiction over the guardianship matters of certain juveniles may have to shift resources to the courts with juvenile jurisdiction that would add these cases to their docket.

Provision B may increase the number of juveniles who might be detained at the county level. Juveniles may be detained in facilities that are either: (1) county jails if the juvenile has not more than haphazard or incidental sight or sound contact with adults charged with or imprisoned for crimes, or (2) juvenile facilities.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts.

Information Sources: John Wood, Family and Social Services Agency; IC 31-37-7-2.